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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,291	08/02/2001	Erik Spangenberg	742111-127	3903
22204	7590	04/22/2004	EXAMINER	
NIXON PEABODY, LLP 401 9TH STREET, NW SUITE 900 WASHINGTON, DC 20004-2128			NGUYEN, THUKHANH T	
			ART UNIT	PAPER NUMBER
			1722	

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/920,291

Applicant(s)

SPANGENBERG ET AL.

Examiner

Thu Khanh T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 16 is/are rejected.
- 7) ☒ Claim(s) 2-15 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by the admitted prior art (specification pages 1-3 and 5-6).

The admitted prior art teaches a molding apparatus comprises a cell-divided under part, which is placed on a molding board on a vibration table, an upper part positioned over the under part and includes a plurality of plungers, and stop surfaces that are established by welding pressure pins extending downwardly from the corner areas of the upper part, wherein the pins having a predetermined length so that they will ensure a relevant maximum extent to which the upper and the lower parts can be brought together (page 5, lines 19-27).

3. Claims 1 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Spring et al (4,235,580).

Spring et al teach an apparatus for pressing concrete blocks, comprising a cell-divided under part having a plurality of cells (11, col. 2, lines 33-35) which are opened in both upper and downward directions (col. 2, lines 35-37 and col. 3, lines 11-15), a corresponding upper part (19) having a plurality of pressure plungers (20) extend in a downward direction and having lower pressure plates which pass down into respective cells in the under part and ejecting the molded

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blocks from the cells (Fig. 4), and guidance means (17) are provided for ensuring the pressure plates maintain their position relative to the lower part (col. 2, lines 38-65).

4. Claims 1 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by the European patent application (318 708).

The European application teaches a machine for forming pressed vibrated concrete blocks, comprising a cell-divided under part (1) having a plurality of cells (2) which are open both in upward and downward directions (Fig. 1), an upper part (3) having a plurality of pressure plungers extend in downward direction and having lower pressure plates (4) which pass down into the cells (Fig. 6), wherein the upper part includes guide means (Fig. 8, 25) for ensuring the position of the pressure plates relative to the cells when the under part is moved toward the upper part at a predetermined distance.

Allowable Subject Matter

5. Claims 2-15 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

In regard to claims 2-5, 10-11 and 17, the prior art of record fails to teach or suggest that guidance means for ensuring the pressure plates maintain their positions relative to the cells comprising a pressure plunger with at least one **guiding pressure plate** which is configured with an upwards extension so that it maintains guiding engagement with the sides of the

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corresponding cells in the under part when the under part is raised to a certain to a minimum height which is greater than the thickness of the under parts.

In regard to claims 6-9 and 12-15, the prior art of record fails to teach or suggest that the guidance means for ensuring the pressure plates maintain guiding engagement with the sides of the corresponding cells in the upper part consisting of stop pins that are **threaded spindles**, each is inserted through a hole in the retaining plate and is secured by the tightening of a nut or a bold-fastening.

Response to Arguments

7. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

The admitted prior art described in the specification, or Springs et al (4,235,580) or the European Application (318 708) has disclosed a concrete forming apparatus having a lower mold plate including a plurality of molding cells, an upper plate engaging a plurality of plungers with pressure plates extending into the molding cells, wherein the lower mold plates having opening tops and bottoms, and guiding pins for guiding the movement of the lower mold plate to ensure position of the plunger pressure plates relative to the molding cells.

These prior art fails to disclose that the guiding means are guiding pressure plate having upward extension to maintain guiding engagement between the cells sides and the pressure plate of the plungers, or that the guiding means are stop pins what are threaded spindle inserted through a hold in a retaining plate and is secured by the tightening of a nut or a bolt fastening.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Khanh T. Nguyen whose telephone number is 571-272-1136. The examiner can normally be reached on Monday- Friday, 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TN


ROBERT DAVIS
PRIMARY EXAMINER
GROUP 1300-1200

4/19/04